From: Kenneth
To: Microsoft ATR
Date: 1/15/02 4:59pm
Subject: Microsoft Settlement

Microsoft Antitrust Proposal Comments

Comments on settlement proposal http://www.usdoj.gov/atr/cases/f9400/9495.htm

Under Prohibited conduct: Section D: First paragraph.

In the case of a new major version of Microsoft Middleware, the disclosures required by this Section III.D shall occur no later than the last major beta test release of that Microsoft Middleware.

The phrase **major beta test** seems overly vague. I suggest restating it to read:
" shall occur no later than the last test release released to over 20% of licensees who normally receive test releases from Microsoft."
(Commentary: Microsoft could quite easily move from an Alpha/Beta test cycle to an extended Alpha cycle or simply introduce an Alpha/Beta/Gamma or some new totally orthogonal process which would render the entire paragraph useless.)

Section G: Third paragraph. that prohibits such entity from competing with the object of the joint venture or other arrangement for a reasonable period of time. The phrase "**for a reasonable period of time.**" seems vague. I suggest restating it to read:
"for a time period consistent with industry practices."

Section H: Says "provided that the technical reasons are described in a reasonably prompt manner to any ISV that requests them."

This phrase appears to allow Microsoft to develop hidden APIs and features, release them and then claim that no one else supports them and then only provide the documentation to an ISV that specifically requests it etc.

I suggest restating it to read:
"provided that the technical reasons are clearly described in existing documentation released under the guidelines of this order"

Section J: "disclosure of which would compromise the security"

As all of the products described are security products and as the term security is continually mis and reinterpreted (Microsoft itself being a large infractor).

I suggest restating it to read:
"disclosure of which would compromise the effectiveness"

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